

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv183**

**TAMARA GOODE on behalf of
C.D.G.,¹**

Plaintiff,

vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

ORDER OF REMAND

THIS MATTER is before the Court on the Defendant's Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 4]. The Plaintiff consents to the motion.

Sentence Four of 42 U.S.C. §405(g) provides, in pertinent part, that "[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The parties here have moved for reversal of the decision of the Defendant and for remand for further administrative proceedings.

¹The Complaint in this matter contains a disclosure of the name of the minor child. [Doc. 1]. In accordance with the Administrative Procedures Governing Filing and Service by Electronic Means for the United States District Court for the Western District of North Carolina, the Court has redacted the child's name using only initials and orders the Clerk to Court to do the same within the electronic record of this case.

Specifically, the parties ask that the Administrative Law Judge (ALJ) be instructed to offer the Plaintiff a new hearing and to determine whether additional psychological testing and a sleep study should be performed. The Court finds remand is appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

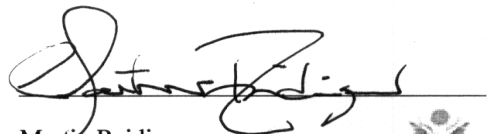
IT IS, THEREFORE, ORDERED that the Defendant's Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 4] is hereby **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is hereby **REMANDED**.

IT IS FURTHER ORDERED that upon remand, the Administrative Law Judge shall offer the Plaintiff a new hearing and determine whether additional psychological testing and a sleep study of the minor should be obtained.

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.

Signed: October 10, 2011



Martin Reidinger
United States District Judge

